

FORM PTO-1390
(REV 12-29-99)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

2635US0P

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/674624INTERNATIONAL APPLICATION NO.
PCT/JP00/03881INTERNATIONAL FILING DATE
June 15, 2000PRIORITY DATE CLAIMED
June 17, 1999

TITLE OF INVENTION

Benzimidazole Compound Crystal

APPLICANT(S) FOR DO/EO/US

Akira FUJISHIMA et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)) *
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: **A copy of PCT Request (Form PCT/RO/101)**

* This includes Specification 29 total pages, including
Claims 1-7 (1 page) and Abstract (1 page).

17. ☒ The following fees are submitted:

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO	\$970.00
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO	\$860.00
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO	\$690.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)	\$670.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4)	\$96.00

CALCULATIONS PTO USE ONLY

\$ 860.00

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	7 - 20 =	0	X \$18.00
Independent claims	2 - 3 =	0	X \$80.00

+ \$260.00

Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

SUBTOTAL		=	\$ 860.00
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Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30
months from the earliest claimed priority date (37 CFR 1.492(f)). ☐ 40 ☐ 50 ☐ 60 ☐ 70 ☐ 80 ☐ 90 ☐ 100 ☐ 110 ☐ 120 ☐ 130 ☐ 140 ☐ 150 ☐ 160 ☐ 170 ☐ 180 ☐ 190 ☐ 200 ☐ 210 ☐ 220 ☐ 230 ☐ 240 ☐ 250 ☐ 260 ☐ 270 ☐ 280 ☐ 290 ☐ 300 ☐ 310 ☐ 320 ☐ 330 ☐ 340 ☐ 350 ☐ 360 ☐ 370 ☐ 380 ☐ 390 ☐ 400 ☐ 410 ☐ 420 ☐ 430 ☐ 440 ☐ 450 ☐ 460 ☐ 470 ☐ 480 ☐ 490 ☐ 500 ☐ 510 ☐ 520 ☐ 530 ☐ 540 ☐ 550 ☐ 560 ☐ 570 ☐ 580 ☐ 590 ☐ 600 ☐ 610 ☐ 620 ☐ 630 ☐ 640 ☐ 650 ☐ 660 ☐ 670 ☐ 680 ☐ 690 ☐ 700 ☐ 710 ☐ 720 ☐ 730 ☐ 740 ☐ 750 ☐ 760 ☐ 770 ☐ 780 ☐ 790 ☐ 800 ☐ 810 ☐ 820 ☐ 830 ☐ 840 ☐ 850 ☐ 860 ☐ 870 ☐ 880 ☐ 890 ☐ 900 ☐ 910 ☐ 920 ☐ 930 ☐ 940 ☐ 950 ☐ 960 ☐ 970 ☐ 980 ☐ 990 ☐ 1000 ☐ 1010 ☐ 1020 ☐ 1030 ☐ 1040 ☐ 1050 ☐ 1060 ☐ 1070 ☐ 1080 ☐ 1090 ☐ 1100 ☐ 1110 ☐ 1120 ☐ 1130 ☐ 1140 ☐ 1150 ☐ 1160 ☐ 1170 ☐ 1180 ☐ 1190 ☐ 1200 ☐ 1210 ☐ 1220 ☐ 1230 ☐ 1240 ☐ 1250 ☐ 1260 ☐ 1270 ☐ 1280 ☐ 1290 ☐ 1300 ☐ 1310 ☐ 1320 ☐ 1330 ☐ 1340 ☐ 1350 ☐ 1360 ☐ 1370 ☐ 1380 ☐ 1390 ☐ 1400 ☐ 1410 ☐ 1420 ☐ 1430 ☐ 1440 ☐ 1450 ☐ 1460 ☐ 1470 ☐ 1480 ☐ 1490 ☐ 1500 ☐ 1510 ☐ 1520 ☐ 1530 ☐ 1540 ☐ 1550 ☐ 1560 ☐ 1570 ☐ 1580 ☐ 1590 ☐ 1600 ☐ 1610 ☐ 1620 ☐ 1630 ☐ 1640 ☐ 1650 ☐ 1660 ☐ 1670 ☐ 1680 ☐ 1690 ☐ 1700 ☐ 1710 ☐ 1720 ☐ 1730 ☐ 1740 ☐ 1750 ☐ 1760 ☐ 1770 ☐ 1780 ☐ 1790 ☐ 1800 ☐ 1810 ☐ 1820 ☐ 1830 ☐ 1840 ☐ 1850 ☐ 1860 ☐ 1870 ☐ 1880 ☐ 1890 ☐ 1900 ☐ 1910 ☐ 1920 ☐ 1930 ☐ 1940 ☐ 1950 ☐ 1960 ☐ 1970 ☐ 1980 ☐ 1990 ☐ 2000 ☐ 2010 ☐ 2020 ☐ 2030 ☐ 2040 ☐ 2050 ☐ 2060 ☐ 2070 ☐ 2080 ☐ 2090 ☐ 2100 ☐ 2110 ☐ 2120 ☐ 2130 ☐ 2140 ☐ 2150 ☐ 2160 ☐ 2170 ☐ 2180 ☐ 2190 ☐ 2200 ☐ 2210 ☐ 2220 ☐ 2230 ☐ 2240 ☐ 2250 ☐ 2260 ☐ 2270 ☐ 2280 ☐ 2290 ☐ 2300 ☐ 2310 ☐ 2320 ☐ 2330 ☐ 2340 ☐ 2350 ☐ 2360 ☐ 2370 ☐ 2380 ☐ 2390 ☐ 2400 ☐ 2410 ☐ 2420 ☐ 2430 ☐ 2440 ☐ 2450 ☐ 2460 ☐ 2470 ☐ 2480 ☐ 2490 ☐ 2500 ☐ 2510 ☐ 2520 ☐ 2530 ☐ 2540 ☐ 2550 ☐ 2560 ☐ 2570 ☐ 2580 ☐ 2590 ☐ 2600 ☐ 2610 ☐ 2620 ☐ 2630 ☐ 2640 ☐ 2650 ☐ 2660 ☐ 2670 ☐ 2680 ☐ 2690 ☐ 2700 ☐ 2710 ☐ 2720 ☐ 2730 ☐ 2740 ☐ 2750 ☐ 2760 ☐ 2770 ☐ 2780 ☐ 2790 ☐ 2800 ☐ 2810 ☐ 2820 ☐ 2830 ☐ 2840 ☐ 2850 ☐ 2860 ☐ 2870 ☐ 2880 ☐ 2890 ☐ 2900 ☐ 2910 ☐ 2920 ☐ 2930 ☐ 2940 ☐ 2950 ☐ 2960 ☐ 2970 ☐ 2980 ☐ 2990 ☐ 3000 ☐ 3010 ☐ 3020 ☐ 3030 ☐ 3040 ☐ 3050 ☐ 3060 ☐ 3070 ☐ 3080 ☐ 3090 ☐ 3100 ☐ 3110 ☐ 3120 ☐ 3130 ☐ 3140 ☐ 3150 ☐ 3160 ☐ 3170 ☐ 3180 ☐ 3190 ☐ 3200 ☐ 3210 ☐ 3220 ☐ 3230 ☐ 3240 ☐ 3250 ☐ 3260 ☐ 3270 ☐ 3280 ☐ 3290 ☐ 3300 ☐ 3310 ☐ 3320 ☐ 3330 ☐ 3340 ☐ 3350 ☐ 3360 ☐ 3370 ☐ 3380 ☐ 3390 ☐ 3400 ☐ 3410 ☐ 3420 ☐ 3430 ☐ 3440 ☐ 3450 ☐ 3460 ☐ 3470 ☐ 3480 ☐ 3490 ☐ 3500 ☐ 3510 ☐ 3520 ☐ 3530 ☐ 3540 ☐ 3550 ☐ 3560 ☐ 3570 ☐ 3580 ☐ 3590 ☐ 3600 ☐ 3610 ☐ 3620 ☐ 3630 ☐ 3640 ☐ 3650 ☐ 3660 ☐ 3670 ☐ 3680 ☐ 3690 ☐ 3700 ☐ 3710 ☐ 3720 ☐ 3730 ☐ 3740 ☐ 3750 ☐ 3760 ☐ 3770 ☐ 3780 ☐ 37

TOTAL NATIONAL FEE	=	\$ 860.00
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Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property	+	\$ 40.00
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TOTAL FEES ENCLOSED	=	\$ 900.00
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Amount to be refunded:	\$
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charged: | \$

- a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 500799 in the amount of \$ 900.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 500799. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer No. 23,115

SIGNATURE:

Philippe Y. Riesen

NAME _____

35,657

REGISTRATION NUMBER

Date: November 2, 2000

09/674624

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Akira FUJISHIMA et al.)
Serial No.: to be assigned)
Filed: November 3, 2000) Art Unit: to be assigned
Title: Benzimidazole Compound Crystal) Examiner: to be assigned

CERTIFICATE OF EXPRESS MAILING under 37 C.F.R. §1.10

Express Mail Label No.

EK300303605US


Deposited on

NOV. 3, 2000

The undersigned certifies that the following attached documents:

1. PTO Return Receipt Postcard (1 pg).
2. Transmittal Letter for filing under 37 CFR 371 (2 pages X 2 = 4 pages)
Incl. authorization to charge deposit account for filing fees
3. Copy of International Application PCT/JP00/03881 as filed 15 JUN 2000
Description pg. 1-27, Claims 1-7 pg. 28, Abstract pg. 29 (29 pages total)
4. Executed Declaration and Power of Attorney (4 pages)
5. Information Disclosure Statement (2 pages)
6. Form PTO-1449 modified (1 page)
7. Copies of Cited References (5 references)
8. Copy of International Search Report for PCT/JP00/03881 (4 pages)
9. Copy of the PCT Request (5 pages)
10. 2 copies of Assignment Recordation Sheet and authorization to charge deposit
account for recordation fees (2 pages)
11. Executed Assignment (2 pages)
12. First Preliminary Amendment (2 pages)

are together being deposited with an USPS Employee for delivery by the USPS "Express Mail Post Office to Addressee" service in an envelope with sufficient postage addressed to: BOX PCT, Commissioner for Patents, Washington, D.C. 20231, under the Express Mail Label Number and on the date indicated above.


Mark Chao, Reg. No. 37,293

11/03/00
Date